

Application No. 10/668,339

REMARKS / ARGUMENTS

Claims 1, 3-5, 8-11 and 15-19 were rejected. By way of this amendment claims 1, 3, 4, 8-11 and 15-17 and 19 remain pending. Claims 5 and 18 were cancelled, the subject matter of those claims being incorporated into claims 1 and 11 respectively. Applicant's amended claims 1 and 11 to include the subject matter of claims 5 and 18 which requires the hooks to be located between the opening of the housing and the apertures to receive the airbag flaps.

The examiner rejected claims 3-5 as being dependent on a cancelled claim 2. Applicant amended claim 3 to depend from claim 1 and request this 35 USC §112 rejection to be withdrawn.

The examiner rejected the claims under 35 USC 103(a) as being unpatentable over Bohn (6,273,455) in view of Nariyasu (6,092,833). The examiner noted Bohn discloses all of the prior features except the hooks or a four sided housing. Bohn in fact recites the housing is cup shaped and thus would be assumed to have a circular opening. The examiner has noted the airbag of figure 2 has four flaps, each flap included a hole 7 which can be pushed over pins 8 which flaps were shown to be pushed under pockets 18 to keep the flaps from simply flopping off the pins 8. This brief description of the carrier 10 having this feature is noteworthy in that Bohn never claims it and in fact recites the embodiment of figure 5 is superior because the airbag in fact is never attached to the carrier (housing) 10. Quoting Bohn from column 3 lines 17-33:

"The reason why this type of air bag attachment is so advantageous is because the cover plate 11 can be attached at the same time, and because the flaps 1a to 1e, provided according to the invention, not only replace the otherwise required means for the attachment of the air bag to the carrier component, but also the otherwise required means for the attachment of the cover plate 11 to the carrier component 10. This method of air bag attachment also offers a very favorable path of lines of force because the opening forces acting from the air bag on the cover plate 11 are directly diverted to the side wall areas 14 of the cover plate 11 on account of the 180.degree.-folded flaps 1a to 1e, and will therefore be compensated. In other words, the explosive forces, acting in the opening direction, which are produced on activation of the air bag, are used to secure the cover plate 11 against the carrier component 10. No further securing means for the control of the holding forces are required."

Each of Bohn's claims recite the flaps are secured to the cover plate 11. Furthermore as applicants have argued and Bohn freely admits it is desirable not to have the forces exerted on the carrier directly. Accordingly while Bohn teaches pins and pockets can be used on the carrier (housing 10) Bohn also teaches it is disadvantageous to have the loads transmitted to the carrier's sidewalls.

Applicant notes that Bohn employs a two piece housing and cover wherein the airbag

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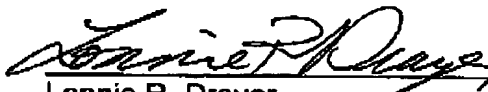
preferentially is attached to the cover 11. In the secondary reference Nariyasu employs hooks that are in a secondary retainer piece and the hooks extend above the opening of the retainer and outward of any sidewalls. Applicant has argued that if the invention of Bohn without a cover 11 was tried one skilled in the art would be led to the extending hooks found in Nariyasu and as such the hooks would extend from each sidewall, but above the opening as is taught in Nariyasu. One skilled in the art would appreciate the molding in the Nariyasu or metal stamping is preferred would lend itself to applying the hooks as shown in Nariyasu. The examiner has argued that Nariyasu is applied to show the use of hooks was known in the art, but then elects to ignore how such hooks were manufactured and that such features were shown to be limited in holding forces so much so additional fasteners were required. Combining Bohn teaching that having the pins 7 and pocket 18 on the sidewalls of the carrier was not preferred leads applicant to contend that one skilled in the art would not have been led to employing the hook in Nariyasu in any other fashion than is disclosed in US 6,092,833. That is the hooks would have extended above the housing opening.

Applicant amended claims 1 and 11 such that the hooks are between the opening and the aperture which is a combination that is effectively taught away from in Bohn and is never taught nor suggested in Nariyasu.

The examiner is required to make a prima facie case for unobviousness which does not permit selecting features found in a patent reference while disregarding the overall description and application of such features which support a finding that one skilled in the art would not likely have been led to applicants claimed invention absent a hindsight reconstruction based on prior knowledge of applicants invention as opposed to any insight provided by two cited references.

For the reasons stated above, applicant urges the examiner to withdraw the rejections and allow the application to pass to issue.

Respectfully submitted,



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